

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-
MKM (consolidated)

Hon. Judith E. Levy
Mag. Mona K. Majzoub

This Filing Relates to All Cases

NOTICE OF FILING PROPOSED NON-PARTY DOCUMENTS-ONLY
SUBPOENAS FOR THE COURT'S REVIEW

In accordance with the first section of the Court's Order Regarding Matters Discussed at the April 16, 2018 Status Conference (Dkt. #452), the parties submit as Exhibits A through D to this Notice the proposed schedules of documents they have negotiated for inclusion in the four non-party documents-only subpoenas permitted by the first section of that Order. The parties anticipate the schedules of documents will be attached to documents-only subpoenas that are in the standard form customarily used in the United States District Court for the Eastern District of Michigan. The parties include in this Notice additional information about the subpoenas they have agreed to serve.

The non-party recipients of the first four subpoenas will be the Genesee County Health Department (using the schedule of documents attached hereto as Exhibit A), the United States Environmental Protection Agency (using the schedule of documents attached hereto as Exhibit B), Virginia Polytechnic Institute and State University (using the schedule of documents attached as Exhibit C), and Professor Marc Edwards (using the schedule of documents attached as Exhibit D).

The parties agree City of Flint counsel Sheldon Klein will be responsible for causing service to be effected of the subpoena on Genesee County Health Department, that Michael Pattwell, counsel for the defendants Daniel Wyant and Bradley Wurfel, will be responsible for causing service to be effected of the subpoena on EPA, and that Plaintiffs' Co-Liaison Counsel Corey Stern will be responsible for causing service to be effected of the subpoenas on Virginia Polytechnic Institute and State University and Professor Edwards. The parties agree attorneys for multiple parties will sign each subpoena but that attorneys who do not choose to sign them need not do so.

The parties intend to insert a date for production into each subpoena that is approximately 45 days after the date that subpoena is to be delivered for service to the person who will serve it. The parties anticipate that actual production dates will probably be a subject of negotiation with the non-party recipients of the subpoenas, and have included language on that subject in Exhibits A through D.

With respect to Genesee County Health Department, the parties intend to specify the City of Flint Law Department as the place for production. The parties intend to identify the Washington D.C. office of Clark Hill, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington D.C. 20004, as the place for EPA's production. The parties plan to specify a site in the Western District of Virginia or within 100 miles of Blacksburg, Virginia, as the place for production by Virginia Polytechnic Institute and State University and Professor Edwards but have not yet been able to identify a specific site meeting those criteria. The parties anticipate that actual places and manners of production will probably be subjects of negotiation with the non-party recipients of the subpoenas and have included language on that subject in Exhibits A through D.

Respectfully submitted,

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